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The situation of human rights in the Islamic Republic of Iran*

Report of the Secretary-General

Summary

The present report, submitted in accordance with General Assembly resolution 63/191, is intended to provide an update to the previous report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/63/459). The present report covers developments in the human rights situation in the Islamic Republic of Iran since June 2008, showing broad patterns and trends and drawing upon that country's international treaty obligations and the observations made by treaty monitoring bodies and the special procedures of the Human Rights Council. The report focuses on the special concerns identified by the Assembly in resolution 63/191 but also includes an outline of human rights developments following the 2009 presidential election in the Islamic Republic of Iran.

* The present report was submitted after the deadline as a result of consultations with the Member State.

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I. Introduction

1. The present report is submitted in accordance with General Assembly resolution 63/191, in which the Assembly requested the Secretary-General to submit to it at its sixty-fourth session an update on the situation of human rights in the Islamic Republic of Iran.

2. The report is intended to provide an update to the previous report of the Secretary-General (A/63/459) and show patterns and trends in the human rights situation in the Islamic Republic of Iran since June 2008, based on that country's international treaty obligations and drawing on observations made by treaty monitoring bodies and the special procedures of the Human Rights Council.[1] While the present report gives special focus to the concerns identified by the General Assembly in resolution 63/191,[2] it also includes a section on human rights developments following the 2009 presidential elections.

II. Legal and institutional framework of the Islamic Republic of Iran relevant to the promotion and protection of human rights

3. As noted in the previous report of the Secretary-General to the General Assembly, the 1979 Constitution of the Islamic Republic of Iran guarantees a wide range of human rights and fundamental freedoms. In practice, however, there are a number of serious impediments to the full protection of human rights and the independent functioning of the different institutions of the State.

4. The Iranian Constitution contains a comprehensive chapter on the rights of the people, which encompass civil and political rights, along with economic, social and cultural rights. The Penal Code and the Code of Criminal Procedure also provide various procedural guarantees aimed at ensuring due process of law and fair trial rights, although concerns in that area are noted in section IV.I below. A revised penal code is still being debated by the specialized commissions of the Islamic Consultative Assembly, or Majlis, but it includes a number of areas that would be incompatible with international human rights standards. According to the authorities, provisions providing for stoning have been removed from the draft by the Legal and Judiciary Committee, but the proposed law contains provisions that call for other forms of capital punishment, flogging and amputation of limbs. Once adopted by the Majlis, the new code will go to the Guardian Council for final review.

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[1] It should be noted that some concluding observations, for instance those of the Human Rights Committee in 1993, are now dated, owing to the long delay in periodic reporting by the Islamic Republic of Iran, although the concerns cited herein remain valid.

[2] The following thematic concerns were identified in that resolution: torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations; the continuing high incidence of executions carried out in the absence of internationally recognized safeguards, including public executions and executions of juveniles; stoning as a method of execution; women's rights; rights of minorities; freedom of peaceful assembly and association and freedom of opinion and expression; and failure to uphold due process rights and to respect the rights of detainees.

5. While the Constitution provides for a separation of powers between the executive, legislative and judicial functions, there are a number of institutional constraints on their independent functioning and their ability to protect human rights. The Supreme Leader, currently Ayatollah Ali Khamenei, supervises the executive, legislative and judicial branches and other key institutions (E/CN.4/2006/61/Add.3, para. 12). That is reinforced by the system of advisory councils provided for in the Constitution. In addition to the judiciary, described in the previous report, there are several other institutional mechanisms that provide opportunities for citizens to seek redress. Article 174 of the Constitution provides for a National General Inspectorate under the supervision of the head of the judiciary, which supervises the proper conduct of affairs and the correct implementation of laws by the administrative organs of the Government and reportedly handles individual complaints. Under article 90 of the Constitution, the legislature can also examine and investigate written complaints by the public against its own work and the work of the executive and the judicial branches. In addition, there are quasi-judicial institutions, including arbitration and dispute settlement councils, which settle large volumes of cases. Moreover, the Islamic Human Rights Commission, established in 1996, is a non-governmental body that monitors the human rights situation in the country. It has no representative status as a national institution nor has it been recognized by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights as complying with the Paris Principles relating to the status and functioning of national human rights institutions. Additionally, the Islamic Republic of Iran has established a human rights headquarters under the judiciary to facilitate international cooperation and coordinate among Government bodies on human rights-related matters.

III. Economic, social and cultural rights

6. As noted in my previous report, the Islamic Republic of Iran has made gains during the past decade in the area of economic, social and cultural rights, although significant disparities remain between urban centres and less-developed regions. Since the 1979 revolution, the Government has pursued socio-economic policies centred on Islamic values that focus very much on the redistribution of wealth and poverty reduction. According to the World Bank, the country's health and education indicators are among the best in the region.[3]

7. While the Islamic Republic of Iran is a party to the International Covenant on Economic, Social and Cultural Rights, it has not reported to the Committee on Economic, Social and Cultural Rights since 1993. In that year, the Committee raised concerns about the treatment of minority groups, discrimination against women and legislation and policies on cultural freedom (E/C.12/1993/7).

8. According to the latest available data in the 2007 human development report on the Islamic Republic of Iran,[4] the country's human development index rose from 0.649 in 1991 to 0.759 in 2005. That largely reflected increases in per capita income

[3] World Bank, "Iran Country Brief — June 2009".

[4] This report was prepared jointly by the United Nations Development Programme (UNDP) and the Islamic Republic of Iran's Management and Planning Organization but has yet to be published.

and the allocation of a large proportion of the public budget to social activities. A review of the Islamic Republic of Iran's performance in meeting the Millennium Development Goals found that the percentage of the population living on less than $1 a day had decreased from 0.9 per cent in 1999 to 0.2 per cent in 2005; the percentage living on less than $2 a day had also declined, from 7.3 per cent in 1999 to 3.1 per cent in 2005.

9. Those trends have reportedly slowed during recent years owing to high inflation[5] and increases in consumer prices, although those factors have been offset to some degree by State support. The Islamic Republic of Iran has an extensive social protection system that includes training and job-seeking assistance, health and unemployment insurance and disability and old-age pensions. Half of the poor in the Islamic Republic of Iran, about 4.5 million people or 1.5 million households, benefit from Government assistance, charity or other non-profit programmes.[3] Government spending and social programmes have been squeezed, however, by declining revenues with the drop in the price of oil; some 80 per cent of the Government's revenue comes from energy.[6] The World Bank also questions whether social programmes, particularly the provision of energy, medicine and basic staples, are adequately targeted at the poor.[3] It should be noted that fiscal policy and social programmes were the subject of active public debates among economists during the 2009 presidential election campaign.

10. As noted previously, the Islamic Republic of Iran has shown greatly improved results in the education sector. Government policies have been aimed at increasing enrolment ratios, extending educational opportunities to the poorest regions of the country and reducing gender gaps at all levels of education. Net enrolment in primary education steadily increased, from 85 per cent in 1990 to 98 per cent in 2005. Primary school dropout rates decreased from 13 per cent to 6.6 per cent during the same period. Literacy rates in the 15- to 24-year-old age group also increased and progressively equalized, rising from 92.2 per cent for males and 81.1 per cent for females in 1990 to 98.1 and 96.7 per cent, respectively, in 2005. Currently, women outnumber men at the university undergraduate level by a factor of two.[3] The Islamic Republic of Iran still faces challenges in dealing with a significant rise in its school-age population, providing adequate facilities in rural areas and ensuring the quality of education. The fourth five-year development plan envisages upgrading the quality of education at all levels, reforming education curricula and developing labour-market-oriented vocational training.

11. Employment remains an important challenge for the Government, with the labour supply growing by about 4 per cent, or 800,000 job-seekers, per year. Unemployment among women is especially acute; it rose from 26.8 per cent in 1996 to 40.6 per cent in 2001.

12. In the field of health, expansion of health facilities, particularly for primary health care, led to a significant improvement in life expectancy, which rose from 64.8 years for men and 65.8 years for women in 1991 to 70.5 years and 72.8 years, respectively, in 2004. The under-5 mortality rate also decreased, from 44 per 1,000 births in 1991 to 36 per 1,000 births in 2001. Maternal mortality resulting from complications in delivery was also reduced, from 54 to 37 per 100,000 live

[5] According to media sources, inflation reached 30 per cent in late 2008, up from 20 per cent earlier in the year.

[6] *The Economist*, "An axis in need of oiling", 23 October 2008.

births during the same period. The proportion of births attended by skilled health personnel increased to around 97.3 per cent. As a result of prioritizing primary health care, health outcomes in rural areas are almost equal to those in urban areas.[3]

13. In other sectors, however, there are greater regional disparities. In terms of the human development index, there is a gap of more than 2 percentage points between the most and least developed provinces. That appears to be driven primarily by income disparities resulting from a lack of employment opportunities, which in turn are contributing to migration from rural areas to the cities. Disparities are also recorded along gender lines (these will be analysed in more detail in section IV.F). Disaggregated data was not available on minority groups, although discrimination was reported against the Baha'i community. The Committee on Economic, Social and Cultural Rights, the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations and the special procedures mandate holders have previously expressed concern in that regard.

IV. Civil and political rights

14. Since June 2008, there have been negative developments in the area of civil and political rights. Local human rights activists have continued to engage in strong advocacy on human rights issues, and, during the election campaign, there was considerable public debate and media commentary. The year also saw, however, an increase in human rights violations targeting women, university students, teachers, workers and other activist groups, particularly in the aftermath of the elections. Members of various ethnic and minority groups faced harassment, violence and, in some cases, persecution. The independent media also experienced tightened restrictions, with publications suspended and websites blocked. The authorities also imposed restrictions on mobile telephone messaging and social networking websites, which became an important tool in opposition protests.

15. The death penalty continued to be widely applied, including in some cases involving juveniles. There were at least some cases of stoning and public execution, despite moves by the authorities to curb such practices. Cases of torture, amputation and flogging and suspicious deaths and suicides of prisoners while in custody were also reported. Information available on each of the thematic concerns identified in General Assembly resolution 63/191 is summarized in the following sections.

A. Human rights developments since the elections

16. On 12 June 2009, after a vigorous campaign featuring open and critical debates, the Iranian electorate went to the polls to elect a new president. The public debates before and after the election were a positive sign of vitality and dynamism in the civil and political life of the Islamic Republic of Iran, but the handling by authorities of the protests that followed has raised concerns about respect for freedom of expression, assembly and association, the use of force in policing demonstrations and the treatment of and due process afforded to detainees.

17. On 15 June 2009, following the announcement of President Mahmoud Ahmadinejad's victory, it was reported that tens of thousands of supporters of the other candidates took to the streets to protest the election result. Violence erupted at

the end of the demonstrations, and Iranian national television reported the death of seven persons. A number of reports indicated that demonstrations had taken place in other parts of the country. In comments to the press, the Secretary-General urged that the genuine will of the Iranian people should be reflected in a most transparent and fair and objective manner.[7] The Supreme Leader of the Islamic Republic of Iran, Ayatollah Ali Khamenei, asked all groups and candidates to accept the results of the election and, if there were any objections, to use legal channels to raise complaints. The initial 10-day period for complaints was extended by five days for additional examination. The Guardian Council subsequently ruled that the election would not be annulled but that votes would be recounted in areas where results were contested by presidential candidates.

18. On 19 June 2009, five independent United Nations experts[8] in a press statement voiced grave concern about the use of excessive police force, arbitrary arrests and killings. They noted that, while the protests had largely been peaceful, violent clashes with security forces had resulted in the death, injury and arrest of numerous individuals. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression expressed grave concern that the recent arrests and the use of excessive police force against opposition supporters might be a direct attempt to stifle freedom of assembly and expression in the country. The Chairperson-Rapporteur of the Working Group on Arbitrary Detention highlighted the obligation of the Government to take all necessary measures to guarantee the right of everyone not to be deprived arbitrarily of his or her liberty and to have fair proceedings before an independent and impartial tribunal.

19. On 19 June 2009, the United Nations High Commissioner for Human Rights also issued a press statement expressing her concern about reports of an increasing number of arrests that might not be in conformity with the law and the possible illegal use of excessive force. She expressed particular concern about reported acts of violence by members of the Basij militia, adding that it was the responsibility of the Government to ensure that militia members and regular law enforcement agencies did not resort to illegal acts of violence.

20. The Iranian Government responded to the concerns of the United Nations High Commissioner for Human Rights, stating that more than 85 per cent of those eligible had cast their votes in a tranquil and peaceful atmosphere in favour of their candidates and that all four candidates had been given opportunities to express their policies and plans on radio and television. The Iranian Government also noted that the Guardian Council had reviewed the election complaints and taken appropriate action for recounting 10 per cent of ballots in particular regions or at random and that it had finally confirmed the result of election.

21. Despite measures taken by the security forces to prevent or break up the protests, tens of thousands of Iranian citizens continued to take part in various rallies across Tehran over several days. On 20 June, Neda Agha Soltan, a young

[7] http://www.un.org/apps/sg/offthecuff.asp?nid=1299. The Iranian authorities protested the Secretary-General's remarks.

[8] The five human rights experts were the Chairperson-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the situation of human rights defenders.

woman accompanying her teacher, was killed from a shot to the chest during a demonstration in Tehran. The incident received widespread international attention following its wide circulation via the Internet. The authorities dispute the circumstances under which she was killed and state that the case is being investigated. There is no accurate measure of the number of casualties during the protests, but numerous media reports have cited at least 20 people killed and many more injured during the demonstrations.

22. As the protests grew, numerous foreign media outlets reported that their websites had been blocked and that the Iranian authorities had implemented new restrictions that required journalists to obtain explicit permission before leaving the office to cover any story. Journalists were also banned from attending any unauthorized demonstrations. The authorities also sought to block the use of social networking and other websites that had been used to broadcast information and visual images of the protests internationally.

23. On 22 June, the Secretary-General issued a statement expressing dismay at the post-election violence, particularly the use of force against civilians, which had led to the loss of life and injuries. He called on the authorities to respect fundamental civil and political rights, especially freedom of expression, freedom of assembly and freedom of information. He called for an immediate stop to the arrests, threats and use of force and reiterated his hope that the democratic will of the people of the Islamic Republic of Iran would be fully respected. He urged the Government and the opposition to resolve peacefully their differences through dialogue and legal means. On 23 June, a spokesman for the Iranian Foreign Ministry said that he rejected the Secretary-General's statement.

24. In the aftermath of the election, a number of special procedures mandate holders signed numerous urgent action appeals regarding the alleged arrest and arbitrary detention of several hundred opposition activists and demonstrators. The arrests had allegedly been carried out by Iranian police, security forces, the Basij militia and plain-clothes officers of the intelligence services during demonstrations or at private residences. The vast majority of the people arrested had reportedly been deprived of any contact with members of their family and had not had access to legal council.

25. On 7 July, six special procedures mandate holders[9] issued a joint statement expressing grave concern about mass arrests. The rapporteurs noted that hundreds of individuals, including human rights defenders, journalists, students, clerics and opposition supporters, had been injured and arrested following clashes with security forces and members of the Basij militia and that, since 12 June, at least 20 people had been killed and hundreds of others seriously injured in clashes with security forces, which had allegedly used live ammunition and rubber bullets to disperse protests. The six experts reiterated their grave concern about reports of killings, ongoing arrests, use of excessive police force and the ill-treatment of detainees. The experts strongly urged the Government of the Islamic Republic of Iran to uphold its obligations under international law to protect human rights in the country.

26. On 1 August, the trial of about 100 defendants commenced on a variety of charges ranging from participation in the unrest, leading the riots, acting against

[9] The six human rights experts were those mentioned in footnote 8 above, plus the Chairperson-Rapporteur of the Working Group on Enforced and Involuntary Disappearances.

national security, disturbing public order, damaging public and Government property and relations with anti-revolutionary groups.

27. The head of the judiciary issued a directive stating that all remaining cases should be finalized in August 2009; however, that directive has not been complied with, as the trials have continued into September 2009. The Iranian authorities also noted that, as a result of the report of the senior inspection team from the office of the Supreme Leader, a detention centre was shut down owing to a lack of adequate medical and health requirements.

28. On 13 August, three special procedures mandate holders[10] expressed serious concern over reports of detainees being subjected to torture and harsh interrogations in order to obtain confessions. The three experts said that the accused included lawyers, journalists and other human rights defenders, as well as members of the opposition, who had protested in the aftermath of the presidential elections.

B. Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations

29. While article 38 of the Constitution of the Islamic Republic of Iran prohibits torture, the country's steps to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2002 were rejected by the Guardian Council, reportedly because of perceived conflicts with Islamic rules and principles.[11]

30. Since June 2008 the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has sent numerous communications to the Iranian authorities regarding serious allegations that had been received concerning torture and other cruel, inhuman or degrading treatment or punishment. In August 2008 two separate allegation letters were sent by the Special Rapporteur regarding the alleged torture of Mahdi Hanafi, a student who had reportedly been beaten during his detention by police officers and subsequently died from injuries to the brain, and Ya'qub Mehrnehad, a journalist and activist working in defence of culture and civil rights who was charged with *mohareb* (enmity with God) and *mofsed fil arz* (corruption on earth) and was consequently executed on 4 August 2008. Mr. Mehrnehad had been the subject of a previous urgent appeal, sent on 15 February 2008 by the Special Rapporteur on torture and the Special Representative of the Secretary-General on the situation of human rights defenders. The Iranian authorities have stated that a forensic inquiry found no suspicious circumstances in the death of Hanafi, but that the case is still open and that legal remedies have yet to be exhausted. They state that Mr. Mehrnehad had been engaged in terrorist activities in the Sistan-Baluchistan region.

31. The Special Rapporteur on torture signed a number of urgent appeal letters during the same period. He cited a number of different torture methods, including

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[10] The Vice-Chairperson of the Working Group on Arbitrary Detention, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Special Rapporteur on the situation of human rights defenders.

[11] Torture and cruel, inhuman or degrading treatment or punishment are also prohibited by customary international law and by article 7 of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party.

sleep deprivation, beatings, stress positions and lack of access to health care. The individuals allegedly subjected to such treatment included members of student groups, religious groups, journalists, human rights defenders, union campaigners, social activists, individuals who had committed crimes as juveniles and individuals associated with various minority groups, including the Baha'i, Azerbaijani and Kurdish segments of the Iranian population.

32. The Special Rapporteur on torture issued an urgent appeal on 18 July 2008 regarding death sentences reportedly imposed on three ethnic Kurds: Farzad Kamangar (also known as Siamand), Ali Heydariyan and Farhad Vakili. According to the information received, the three men were arrested by Ministry of Intelligence officials in Tehran in July and August 2006. Farzad Kamangar was subsequently held incommunicado on terrorism-related charges at a series of different locations, including in Kermanshah, Sanandaj and Tehran. In the course of his detention, it was alleged that he was tortured, including by beating, flogging and subjection to electrical shocks. As a result of the treatment inflicted, he had to be transferred twice to prison clinics. The Iranian authorities denied the allegations of torture in most of those cases and responded that fair trials were conducted, with commensurate sentences issued. Amputation and corporal punishment, which are justified by the authorities as Islamic punishments, also remain a serious cause for concern.

C. Death penalty and public executions

33. In countries that have not abolished the death penalty, the death sentence may be imposed only for the most serious crimes in accordance with the law.[12] International human rights mechanisms have opined that most serious crimes were those where it could be shown that there was an intention to kill that had resulted in loss of life and that drug-related crimes and trafficking did not prima facie fall within that category.

34. In the Islamic Republic of Iran, the death penalty is imposed for certain *hudud* crimes, including adultery, incest, rape, fornication for the fourth time by an unmarried person, drinking alcohol for the third time, sodomy, sexual conduct between men without penetration for the fourth time, lesbianism for the fourth time, fornication by a non-Muslim man with a Muslim woman and false accusation of adultery or sodomy for a fourth time. Furthermore, the death penalty can be applied for the crimes of enmity with God (*mohareb*) and corruption on earth (*mofsed fil arz*) as one of four possible punishments. Under the category of *ta'zir* crimes, the death penalty can be imposed for "cursing the Prophet" (article 513 of the Penal Code). The death penalty can also be applied to such crimes as the smuggling or trafficking of drugs, murder, espionage and crimes against national security.

35. The special procedures received a large number of reports from various sources concerning individuals who had allegedly been executed as a result of drug-related offences and drug trafficking. While it is impossible for the Office of the United Nations High Commissioner for Human Rights (OHCHR) to verify all information that is received, the data does illustrate a worrying trend.

[12] International Covenant on Civil and Political Rights, art. 6.

36. As highlighted in the previous report of the Secretary-General, the spokesperson for the Iranian judiciary announced in January 2008 that the head of the judiciary, Ayatollah Shahroudi, had issued a circular banning public execution. On 11 July 2008, however, Amnesty International reported that it had received information regarding a public execution, the first of its kind since that order was issued. The Iranian authorities confirmed that two cases of public execution had taken place in the previous year in light of special circumstances and public sentiment. International human rights mechanisms have stated that executions in public add to the already cruel, inhuman and degrading nature of the penalty and can only have a dehumanizing effect on the victim and a brutalizing effect on those who witness the execution.

D. Stoning as a method of execution

37. On 30 July 2008, the Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on violence against women, its causes and consequences signed an urgent appeal requesting information from the Iranian authorities about an allegation that eight women and one man had been sentenced to death by stoning for adultery. A joint urgent appeal letter was also sent on 21 January 2009 by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and the Special Rapporteur on violence against women in relation to two male individuals who were reportedly executed by stoning in Mashhad for adultery. The executions were later confirmed on 13 January 2009 by a spokesman for the judiciary. Although the head of the judiciary has issued a circular to prohibit stoning, those recent cases suggest that the authorities have not succeeded in eliminating that practice. The authorities noted, however, that in many other cases *qisas* punishments had been commuted to lighter punishments. In terms of international human rights norms, stoning constitutes an inhuman and degrading treatment.[13]

E. Executions of juveniles

38. The previous report of the Secretary-General, in line with General Assembly resolution 62/168, highlighted executions of juveniles as a specific area of concern. The Islamic Republic of Iran continues to carry out such executions despite efforts by the judiciary to curb the practice. The imposition of the death penalty on individuals who commit crimes while under the age of 18 is a breach of both the International Covenant on Civil and Political Rights[14] and the Convention on the Rights of the Child,[15] to which the Islamic Republic of Iran is a party.

39. According to Amnesty International, eight juvenile offenders were executed in 2008, and to date three have reportedly been executed in 2009. Amnesty International also reported that from 1990 to 2009 the Islamic Republic of Iran had executed 41 juveniles, which had accounted for more than half of all worldwide

[13] See CRC/C/15/Add.254, para. 45; CAT/C/QAT/CO/1, para. 12; A/HRC/10/44, para. 39; and E/CN.4/2006/5/Add.2, para. 68.

[14] Article 6, para. 5.

[15] Article 37 (a).

reported child executions recorded in the same period and made the Islamic Republic of Iran the nation with the highest number of juvenile executions.[16]

40. The United Nations High Commissioner for Human Rights issued a press statement on 10 June 2008 requesting the Iranian authorities to stay the executions of four juvenile offenders, reminding them of the absolute prohibition on the application of the death penalty for juvenile offenders under international law. She acknowledged the steps taken to subject juvenile cases to closer judicial scrutiny and to encourage settlements between perpetrators and the families of victims.

41. During the reporting period, the Special Rapporteur on extrajudicial, summary or arbitrary executions issued several urgent action letters in response to information received regarding individuals who had been sentenced to death for crimes they had committed as juveniles.

42. The case of Delara Darabi received widespread international attention from various media sources and international non-governmental organizations.[17] Ms. Darabi was 22 years old when she was executed on 1 May 2009 for a crime she had allegedly committed when she was 17, despite a two-month stay of execution that had been issued by the head of the judiciary. In a letter to the Iranian authorities, the United Nations High Commissioner for Human Rights expressed her deepest disappointment at the execution and her grave concern that the directive from the head of the judiciary appeared to not have been complied with.

F. Women's rights

43. The Islamic Republic of Iran has not ratified the Convention on the Elimination of All Forms of Discrimination against Women.

44. Since June 2008, the Special Rapporteur on violence against women, along with the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, issued three allegation letters to the Iranian authorities concerning reports that 10 persons (9 women and 1 man) had been arrested by security forces for being part of the "one million signatures" campaign, which called for gender equality under Iranian legislation and for amendments to laws that discriminated against women. The nine women were allegedly detained for eight hours and then released, while one man was sentenced to one year on charges of endangering national security through spreading propaganda against the State. On 8 September 2008, an allegation letter was sent by the same Special Rapporteurs regarding the August 2008 sentencing of Zeynab Bayzeydi, a human rights defender, to four years imprisonment by the Mahabad Revolutionary Court on charges of being a member of unauthorized human rights associations and participating in the Campaign for Equality. The Special Rapporteurs expressed concern that the sentencing and imprisonment of Ms. Bayzeydi might have been related solely to her peaceful activities in defending human rights.

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[16] Amnesty International, "Executions of juveniles since 1990".

[17] Human Rights Watch, "Iran: secret execution of juvenile offender", 1 May 2009; and Amnesty International, "Delara Darabi executed in Iran", 1 May 2009.

45. On 27 November 2008, the Special Rapporteurs on the situation of human rights defenders and on violence against women issued a joint statement expressing deep concern regarding the ongoing crackdown on women's rights defenders in the Islamic Republic of Iran, noting that peaceful demonstrators had been arrested, detained and persecuted, with prison sentences having been imposed on many of them. They noted that the Government continued to harass and intimidate women's rights activists involved in the "one million signatures" campaign and to prevent them from travelling.

G. Rights of minorities

46. The Iranian Constitution explicitly declares Islam to be the State Religion but contains two important provisions concerning religious minorities. Article 13 states that Zoroastrian, Jewish and Christian Iranians are the only recognized religious minorities who are free to perform their religious rites and ceremonies, within the limits of the law, and to act according to their own canon in matters of personal affairs and religious education. Article 14 also provides protection for non-Muslims, provided they refrain from conspiracy or activity against Islam and the Islamic Republic of Iran. The Baha'i community is not recognized as a religious minority, but the authorities assert that Baha'is enjoy the rights accorded to all other Iranians.

47. OHCHR continues to receive reports of human rights abuses against minorities in the Islamic Republic of Iran. While it is impossible to verify all the information received, a pattern of concern arises with respect to the protection of minorities, including the Baha'i community, the Arab minority in Khuzestan, the Nematollahi Sufi Muslim community, the Kurdish community, the Sunni community, the Baluchi community and the Azeri-Turk community.

48. Reports continued to be received about members of the Baha'i community being subjected to arbitrary detention, confiscation of property and denial of employment, Government benefits and access to higher education. A number of communications have been sent by various Special Rapporteurs and the independent expert on minority issues to the Government regarding the treatment of the Baha'i community. The United Nations High Commissioner for Human Rights wrote on numerous occasions to express concern and seek clarification about the status of seven members of the Baha'i faith who had been detained for more than a year. On 14 May 2008, six members of the Baha'i community — Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Behrouz Tavakkoli, Vahid Tizfahm — reportedly were arrested and have since been held in Evin prison. On 5 March 2008, a seventh member of the Baha'i community, Mahvash Sabet, was reportedly detained by the Iranian authorities and has since been allegedly held incommunicado in Mashhad. The Iranian authorities replied to the concerns of the High Commissioner on 20 February 2009, noting that the arrest of the seven Baha'is was as a result of their illegal activities. Subsequently, OHCHR expressed concern about reports that additional charges had been laid against the seven, including spreading corruption on earth (*mofsed fil arz*), which carries the death penalty. The Iranian Government reported that the charges included threatening and intimidating Iranian citizens to join the "sect organization", meddling with the private lives and beliefs of Iranian citizens and forming a clandestine organization. The seven have yet to be produced before a court and have been denied access to their lawyer. The High Commissioner and the Secretary-General remain concerned that the detention

of those individuals may breach the obligations of the Islamic Republic of Iran under the International Covenant on Civil and Political Rights, in particular freedom of religion and belief and freedom of expression and association.

H. Freedom of peaceful assembly and association and freedom of opinion and expression

49. As highlighted in the previous report of the Secretary-General, serious restrictions remain on the right to freedom of opinion and expression in the Islamic Republic of Iran. The Special Rapporteur on the right to freedom of opinion and expression issued a number of urgent appeal letters expressing serious concerns over allegations received that groups such as journalists, students, poets and human rights defenders had been arrested and imprisoned. The Special Rapporteur raised concerns that the continued detention of individuals charged by the Iranian authorities might be related to their work as human rights defenders and their right to freedom of expression. Concerns were also raised about allegations of torture and ill-treatment and methods used by Iranian security forces, including the searching of property and the confiscation of computers and various documents.

50. On 14 August 2008, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the situation of human rights defenders issued an urgent action drawing attention to information received regarding Nobel Peace Prize laureate Shirin Ebadi. According to information received on 8 August 2008, an article was published on the website of the Islamic Republic News Agency containing allegations that human rights were being used as a means of pressure to impose Western norms on other cultures and criticizing Ms. Ebadi for taking up the defence of homosexuals, Baha'is and agents of the United States of America Central Intelligence Agency. The Special Rapporteurs expressed concern that the slander campaign might be perceived as incitement to further harassment against Ms. Ebadi and her family. The authorities assert that it has been difficult for the Government to provide Ms. Ebadi with protection in light of her positions and statements that are contrary to the religious tendencies of the people.

51. On 23 December 2008, the Deputy United Nations High Commissioner for Human Rights wrote to the Iranian Government expressing her deep concern about reports that the Defenders of Human Rights Centre in Tehran, led by Ms. Ebadi, had been raided by law enforcement officers on 21 December 2008. The Deputy High Commissioner wrote again to the Iranian authorities on 2 January 2009, expressing further concerns about reports that a crowd of protesters had attacked the home of Ms. Ebadi and calling upon the Iranian Government to ensure the safety of Ms. Ebadi and her colleagues. She urged the Government to ensure that human rights defenders in Iran were able to conduct their legitimate activities freely, without intimidation or harassment. She also called upon the Government to immediately authorize the reopening of the centre, to grant it full legal status and to return all materials removed from Ms. Ebadi's private law office. On 3 January 2009, the Secretary-General called on the Iranian authorities to take immediate measures to prevent any further harassment and to ensure the safety and security of Ms. Ebadi.

52. On 5 January 2009, the Iranian authorities replied to OHCHR that the Defenders of Human Rights Centre had received a preliminary permit for its

establishment but had since failed to provide its articles of association or charter for legalization as requested by the law. The Centre had been given notice of that fact in August 2006 and, following non-compliance with that order, the prosecutor's office had issued a legal order for the sealing and closure of the Centre. The authorities noted that Ms. Ebadi and her colleagues were able to conduct their legitimate activities. Frequent meetings, statements and overseas visits by Ms. Ebadi and her colleagues, including the ones to Geneva, were an explicit demonstration of the rights particularly enshrined in the International Covenant on Civil and Political Rights, the authorities said.

I. Lack of due process rights and failure to respect the rights of detainees

53. The Chairperson of the Working Group on Arbitrary Detention issued several communications to the Iranian authorities on a variety of cases that suggested a widespread lack of due process rights and the failure to respect the rights of detainees. Those included allegations that individuals had been placed in detention without charge and had been kept "incommunicado". The use of "incommunicado" imprisonment was highlighted as an issue of concern in General Assembly resolution 62/168 and in the report of the Working Group on its visit to the Islamic Republic of Iran in 2003 and remains a major obstacle to identifying the legal basis of the arrest and detention of an individual. Two urgent actions were also issued in the case of Arash and Kamiar Alaei, both of whom are leading doctors in the field of HIV/AIDS and harm reduction programmes for drug-users in the Islamic Republic of Iran. It was alleged that neither they nor their defence lawyers had been informed of all the charges against them, nor had they been allowed to review all the evidence in the case. The authorities state that the two doctors were charged with acts against national security and not in relation to their humanitarian activities.

54. The case of an American-Iranian national, Roxana Saberi, attracted considerable international attention. According to reports received, Ms. Saberi was arrested in January 2009 and charged with activities in violation of existing press regulations and espionage. Ms. Saberi was detained "incommunicado" until 10 February 2009, when she made a two-minute phone call to her father in the United States informing him of her detention. On 5 March 2009 an Iranian judiciary spokesman confirmed that Ms. Saberi was being held in Tehran's Evin prison. The Iranian authorities stated that Ms. Saberi's press card had been cancelled in 2005 as a result of her activities in violation of existing press regulations. She was sentenced to eight years imprisonment, but that was eventually overturned by the Court of Appeal. Under the new ruling, Ms. Saberi was sentenced to two years of suspended imprisonment; she was subsequently released from prison and left the Islamic Republic of Iran.

55. A number of communications were sent by the Special Rapporteur on the independence of judges and lawyers to the Iranian Government over serious concerns regarding widespread failings in due process and access to lawyers. On 21 January 2009 a number of Special Rapporteurs[18] issued an urgent appeal to the

[18] The Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and the Special Rapporteur on violence against women.

Iranian authorities regarding the case of Gilan Mohammadi and Gholamali Eskandari, two individuals who had been sentenced to death. According to information received, the prison authorities denied lawyers access to the detainees. The Iranian authorities dispute that claim. The Special Rapporteurs reminded the Iranian Government that, in cases of capital punishment, it was the obligation of State parties to rigorously observe all the guarantees for a fair trial set out in article 14 of the International Covenant on Civil and Political Rights, which admitted no exceptions. The Rapporteurs also noted that the Human Rights Committee had observed that "in cases involving capital punishment, it is axiomatic that the accused must be effectively assisted by a lawyer at all stages of the proceedings" (CCPR/C/GC/32, para. 38). According to the authorities, their sentences were commuted upon appeal to imprisonment.

V. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

A. Cooperation with the United Nations human rights treaty system

56. The Islamic Republic of Iran is a party to four major United Nations human rights treaties: the Convention on the Rights of the Child (ratified on 13 July 1994), the International Convention on the Elimination of All Forms of Racial Discrimination (ratificatied on 29 August 1968), the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (both ratified on 24 June 1975). It has ratified or acceded to some other human-rights-related treaties, including the Convention relating to the Status of Refugees (1951) and the Protocol thereto (both acceded to on 28 July 1976), the Convention on the Prevention and Punishment of the Crime of Genocide (1948) (ratified on 14 August 1956), the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973) (acceded to on 17 April 1985) and the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) (ratified on 8 May 2002).[19]

57. On 26 September 2008 the Islamic Republic of Iran submitted its combined eighteenth and nineteenth periodic reports concerning the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, which had been due on 4 January 2006. As noted above, the Government has not reported to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee for more than a decade. In addition, the concluding observations of each of those bodies adopted in 1993 remain largely unimplemented. Furthermore, the Islamic Republic of Iran has a practice of entering general reservations upon signature or ratification, which has repeatedly been cited by treaty bodies as one of the main factors impeding the enjoyment of some human rights protected under the conventions.

[19] The Islamic Republic of Iran has ratified 13 international labour conventions, five of which are fundamental conventions.

B. Cooperation with the special procedures

58. The Islamic Republic of Iran issued a standing invitation to all thematic special procedures mandate holders in June 2002, which coincided with the discontinuation of the mandate of the Special Representative on the situation of human rights in the Islamic Republic of Iran established by the Commission on Human Rights in 1984. During 2003 and 2005, the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights in Afghanistan, the Working Group on Arbitrary Detention, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on violence against women and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context all undertook visits to the Islamic Republic of Iran and issued reports on their findings.[20] No visits by any special procedures mandate holders have taken place since 2005.

59. The Iranian Government agreed in principle to visits by the Working Group on Enforced or Involuntary Disappearances,[21] the Special Rapporteur on extrajudicial, summary or arbitrary executions[22] and the Special Rapporteur on freedom of religion or belief,[23] but they have not been scheduled.

60. Requests to visit were made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in 2005 and 2007, by the Special Rapporteur on the independence of judges and lawyers in 2006 and by the independent expert on minority issues in 2008; a reminder was also sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions in 2008.

61. The Islamic Republic of Iran will be considered at the seventh session of the Universal Periodic Review Working Group of the Human Rights Council in February 2010.

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

62. The previous United Nations High Commissioner for Human Rights, Louise Arbour, visited the Islamic Republic of Iran to attend a conference of the Non-Aligned Movement in September 2007. The current High Commissioner met with Iranian Foreign Minister Manouchehr Mottaki in Geneva in September 2008. Since 2008 OHCHR has been discussing with representatives of the Iranian judiciary possible cooperation activities, including conducting a judicial colloquium on fair trial issues in the Islamic Republic of Iran, which has yet to be scheduled.

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[20] E/CN.4/2004/62/Add.2; A/55/346; E/CN.4/2004/3/Add.2 and Corr.1; E/CN.4/2005/85/Add.2; E/CN.4/2006/61/Add.3; and E/CN.4/2006/41/Add.2.

[21] A visit was agreed to for July 2004 but was postponed. Follow-up requests were sent in 2007 and 2008.

[22] Visits were agreed to in principle in September 2006. Several follow-up requests were sent, the latest in December 2008.

[23] Visits were agreed to in principle in November 2003. Several follow-up requests were sent, the latest in April 2008.

63. During the past year, the High Commissioner has intervened with the Iranian authorities in a number of individual human rights cases through private representations, letters and public statements. Those included cases involving the rights of women, executions of juveniles, freedom of religion and the rights of minorities.

VI. Conclusions and recommendations

64. **Once again the present report highlights many areas of continuing concern with respect to human rights in the Islamic Republic of Iran. It is encouraging that some of those issues, such as the rights of women, were the subject of open and vigorous debate in the course of the country's presidential elections this year. The high level of participation in those elections, and the peaceful protests that have ensued, are positive signs of the dynamism of civil society in the Islamic Republic of Iran. As I noted in earlier public statements, I urge the Government and the opposition to peacefully resolve their differences through dialogue and legal means. I have been deeply troubled by reports of the excessive use of force, arbitrary arrest and detention, and possible torture and ill-treatment of opposition activists.**

65. **In relation to other concerns identified in the present report, I note that the authorities have taken some positive steps, for instance to prevent stonings or limit the application of the death penalty to juveniles. I am concerned, however, that they have not been enforced. I encourage the Government of the Islamic Republic of Iran to address the concerns highlighted in the report and to continue to revise national laws, particularly the new penal code and juvenile justice laws, to ensure compliance with international human rights standards and prevent discriminatory practices against women, ethnic and religious minorities and other minority groups.**

66. **I note the positive achievements of the Islamic Republic of Iran with respect to many economic and social indicators. I encourage the Government to continue to address regional disparities in the enjoyment of economic, social and cultural rights, as well as discrimination against women and minorities, particularly in the face of global economic difficulties.**

67. **While encouraging the Government of the Islamic Republic of Iran to cooperate with the United Nations, including OHCHR, to further human rights and justice reform, I call upon the Government to ratify major international human rights treaties, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to withdraw the reservations it has made upon the signature and ratification of various human rights treaties, as recommended by the respective treaty bodies. In keeping with its international obligations, the Islamic Republic of Iran needs to finalize its long-outstanding periodic reports under human rights treaties, particularly to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, in order to allow a systematic review of progress in implementing the related obligations.**

68. **Although the Government's standing invitation to the Human Rights Council special procedures mandate holders is welcomed, I regret that no visit has taken place since 2005 and encourage the Government to facilitate their requested visits to the country as a matter of priority in order that they might conduct more comprehensive assessments. I urge the Government of the Islamic Republic of Iran to implement without delay the recommendations issued by the Human Rights Council special procedures, by the ILO Committee of Experts on the Application of Conventions and Recommendations and by the human rights treaty bodies.**